

# Code of Conduct

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## Introduction

"In 1955, a special advisory committee, appointed by the President of the United States, drew up a set of standards designed to provide guidelines for the professional conduct of U.S. fighting men. As a result, on 17 August of the same year the President, by Executive Order 10631, proclaimed an official Code of Conduct for members of the U.S. Armed forces.

The primary objective of the Code is to increase unit fighting strength and to strengthen the individual's will to resist. The Code applies to all fighting men of the Armed Forces, whether in combat, captivity, or any other circumstance.

Like any soldier, every leader must adhere to the moral obligations prescribed by the Code. In addition, he is responsible for training his men to do likewise. He manages and inspires his subordinates in a manner that maximizes their opportunity to abide by the Code. Therefore, a leader must understand fully the details of the Code, its purposes, and underlying principles." (Colonel Samuel Hays, ed, Taking Command)

## Study Assignment

Read the Information section of this lesson.

Lesson Objective: Comprehend the principles of the Code of Conduct.

Sample of Behavior: Distinguish correct courses of action in accordance with the Code of Conduct.

## Information

### Code of the US Fighting Force

As a member of the United States Armed Forces, you're protecting your nation. It's your duty to oppose all enemies of the United States in combat or, if a captive, in a prisoner of war compound. Your behavior is guided by the Code of Conduct, which has evolved from the heroic lives, experiences, and deeds of Americans from the Revolutionary War to Desert Storm.

Your obligations as a U.S. citizen and a member of the Armed Forces result from the traditional values that underlie the American experience as a nation. These values are best expressed in the U.S. Constitution and Bill of Rights, which you've sworn to uphold and defend. You would have these obligations--to your country, your service and unit, and your fellow Americans--even if the Code of Conduct had never been formulated as a high standard of general behavior.

Just as you have a responsibility to your country under the Code of Conduct, the United States Government has an equal responsibility--always to keep faith with you and stand by you as you fight for your country. If you're unfortunate enough to become a prisoner of war, you may rest assured that your Government will care for your dependents and will never forget you. Furthermore, the Government will use every practical means to contact, support, and gain release for you and for all other prisoners of war.

To live up to the Code, you must know not only its words but also the ideas and principles behind those words. This is an extract from Department of the Army (DA) Pam 360-512, 1986, which contains the code, and explanation of its principles and a statement of the standards expected of you.

The Code of Conduct is an ethical guide. Its six articles deal with your chief concerns as an American in combat; these concerns become critical when you must evade capture, resist while a prisoner, or escape from the enemy.

Experiences of captured Americans reveal that to survive captivity honorably would demand from you great courage, deep dedication and high motivation. To sustain these personal values throughout captivity requires that you understand and believe strongly in our free and democratic institutions, love your country, trust in the justice of our cause, keep faithful and loyal to your fellow prisoners, and hold firmly to your religious and moral beliefs in time of trial. Your courage, dedication, and motivation supported by understanding, trust, and fidelity will help you endure the terrors of captivity, and return to your family, home, and nation with honor and pride.

## Article I

**I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense.**

All men and women in the Armed Forces have the duty at all times and under all circumstances to oppose the enemies of the United States and support its national interests. In training or in combat, alone or with others, while evading capture or enduring captivity, this duty belongs to each American defending our nation regardless of circumstances.

## Article II

**I will never surrender of my own free will. If in command, I will never surrender the members of my command while they still have the means to resist.**

As an individual, a member of the Armed Forces may never voluntarily surrender. When isolated and no longer able to inflict casualties on the enemy, the American soldier has an obligation to evade capture and rejoin friendly forces.

Only when evasion by an individual is impossible and further fighting would lead only to death with no significant loss to the enemy should one consider surrender. With all reasonable means of resistance exhausted and with certain death the only alternative, capture doesn't imply dishonor.

The responsibility and authority of a commander never extends to the surrender of a command to the enemy while the command has the power to fight and evade. When isolated, cut off, or surrounded, a unit must continue to fight until relieved or able to rejoin friendly forces through continued efforts to break out or evade the enemy.

## Article III

**If I am captured I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.**

The duty of a member of the Armed Forces to use all means available to resist the enemy isn't lessened by the misfortune of captivity. A POW is still legally bound by the Uniform Code of Military Justice and ethically guided by the Code of Conduct. Under the provisions of the Geneva Convention, a prisoner of war is also subject to certain rules imposed by the captor nation. When repatriated, a prisoner of war won't be condemned for having obeyed reasonable captor rules, such as sanitation regulations. The duty of a member of the Armed Forces to continue to resist doesn't mean a prisoner should engage in unreasonable harassment as a form of resistance. Retaliation by captors to the detriment of that prisoner and other prisoners is frequently the primary result of such harassment.

The Geneva Convention recognizes that a POW may have the duty to attempt escape. In fact, the Geneva Convention prohibits a captor nation from executing a POW simply for attempting escape. Under the authority of the senior official (often called the senior ranking officer, or "SRO") a POW must be prepared to escape whenever the opportunity presents itself. In a POW compound, the senior POW must consider the welfare of those remaining behind after an escape. However, as a matter of conscious determination, a POW must plan to escape, try to escape, and assist others to escape.

Contrary to the spirit of the Geneva Convention, enemies engaged by US forces since 1950 have regarded the POW compound as an extension of the battlefield. In doing so, they've used a variety of tactics and pressures, including physical and mental mistreatment, torture and medical neglect to exploit POWs for propaganda purposes, to obtain military information, or to undermine POW organization, communication and resistance.

Such enemies have attempted to lure American POWs into accepting special favors or privileges in exchange for statements, acts, or information. Unless it is essential to the life or welfare of that person or another prisoner of war or to the

success of efforts to resist or escape, a POW must neither seek nor accept special favors or privileges.

One such privilege is called parole. Parole is a promise by a prisoner of war to a captor to fulfill certain conditions--such as agreeing not to escape nor to fight again once released--in return for such favors as relief from physical bondage, improved food and living conditions, or repatriation ahead of the sick, injured, or longer-held prisoners. The United States does not authorize any service member to sign or enter into any such parole agreement.

## Article IV

**If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information nor take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.**

Informing, or any other action to the detriment of a fellow prisoner, is despicable and is expressly forbidden. Prisoners of war must avoid helping the enemy identify fellow prisoners who may have knowledge of particular value to the enemy and who may, therefore, be made to suffer coercive interrogation.

Strong leadership and communication are essential to discipline. Discipline is the key to camp organization, resistance, and even survival. Personal hygiene, camp sanitation, and care of sick and wounded are imperative. Officers and noncommissioned officers of the United States must continue to carry out their responsibilities and exercise their authority in captivity. The senior, regardless of Service, must accept command. This responsibility, and accountability, may not be evaded.

If the senior is incapacitated or is otherwise unable to act, the next senior person will assume command. Camp leaders should make every effort to inform all POWs of the chain of command and try to represent them in dealing with enemy authorities. The responsibility of subordinates to obey the lawful orders of ranking American military personnel remains unchanged in captivity.

The Geneva Convention Relative to Treatment of Prisoners of War provides for election of a "prisoners' representative" in POW camps containing enlisted personnel, but no commissioned officers. American POWs should understand that such a representative is only a spokesman for the actual senior ranking person. Should the enemy appoint a POW chain of command for its own purposes, American POWs should make all efforts to adhere to the principles of Article IV.

As with other provisions of this Code, common sense and the conditions of captivity will affect the way in which the senior person and the other POWs organize to carry out their responsibilities. What is important is that everyone support and work within the POW organization.

## Article V

**When questioned, should I become a prisoner of war, I am required to give name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause.**

When questioned, a prisoner of war is required by the Geneva Convention and this Code to give name, rank, service number (social security number) and date of birth. The prisoner should make every effort to avoid giving the captor any additional information. The prisoner may communicate with captors on matters of health and welfare and additionally may write letters home and fill out a Geneva Convention "capture card."

It's a violation of the Geneva Convention to place a prisoner under physical or mental duress, torture, or any other form of coercion in an effort to secure information. If under such intense coercion, a POW discloses unauthorized information, makes an unauthorized statement, or performs an unauthorized act, that prisoner's peace of mind and survival require a quick recovery of courage, dedication, and motivation to resist anew each subsequent coercion.

Actions every POW should resist include making oral or written confessions and apologies, answering questionnaires, providing personal histories, creating propaganda recordings, broadcasting appeals to other prisoners of war, providing any other material readily usable for propaganda purposes, appealing for surrender or parole, furnishing self-criticisms, communicating on behalf of the enemy to the detriment of the United States, its allies, its Armed Forces, or other POWs.

Every POW should also recognize that any confession signed or any statement made may be used by the enemy as false evidence that the person is a "war criminal" rather than a POW. Several countries have made reservations to the Geneva Convention in which they assert that a "war criminal" conviction deprives the convicted individual of prisoner of war status, removes that person from protection under the Geneva Convention, and revokes all rights to repatriation until a prison sentence is served.

Recent experiences of American prisoners of war have proved that, although enemy interrogation sessions may be harsh and cruel, one can resist brutal mistreatment when the will to resist remains intact. The best way for a prisoner to keep faith with country, fellow prisoners and self is to provide the enemy with as little information as possible.

## Article VI

**I will never forget that I am an American, fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.**

A member of the Armed Forces remains responsible for personal actions at all times. A member of the Armed Forces who is captured has a continuing obligation to resist and to remain loyal to country, Service, unit and fellow prisoners.

Upon repatriation, POWs can expect their actions to be reviewed, both as to circumstances of capture and conduct during detention. The purpose of such review is to recognize meritorious performance as well as to investigate possible misconduct. Each review will be conducted with due regard for the right of the individual and consideration for the conditions of captivity; for captivity of itself isn't a condition of deserving blame.

Members of the Armed Forces should remember that they and their dependents will be taken care of by the appropriate service and that pay and allowances, eligibility and procedures for promotion, and benefits for dependents continue while the Service member is detained. Service members should assure that their personal affairs and family matters (such as pay, powers of attorney, current will, and provisions for family maintenance and education) are properly and currently arranged. Failure to arrange matters can create a serious sense of guilt for a POW and place unnecessary hardship on family members.

The life of a prisoner of war is hard. Each person in this stressful situation must always sustain hope, must resist enemy indoctrination. Prisoners of war standing firm and united against the enemy will support and inspire one another in surviving their ordeal and in prevailing over misfortune with honor. (Reprinted from DOD GEN-11A/DA Pam 360-512, 1979 reprinted 1986)

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## Special Allowances for Medical Personnel and Chaplains

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### Article I

If the captors allow medical personnel and chaplains to perform their professional duties, these personnel may exercise a degree of flexibility concerning some of the specific provisions of the Code of Conduct to perform their professional duties.

The degree of flexibility can only be employed if it's in the best interests of the medical and spiritual needs of their fellow Military Service members and their country. Like all members of the Armed Forces, medical personnel and chaplains are accountable for all of their actions.

## Article III

Under the Geneva Conventions, medical personnel and chaplains who fall into the hands of the enemy are entitled to be considered **"retained personnel"** and are not to be considered prisoners of war. **The enemy is required by the Conventions to allow such persons to continue to perform their medical or religious duties, preferably for POWs of their own country.** When the services of these "retained personnel" are no longer needed for these duties, the enemy is obligated to return them to their own forces.

1. The medical personnel and chaplains of the U.S. Armed Forces who fall into the hands of the enemy must assert their rights as "retained personnel" to perform their medical and religious duties for the benefit of the POWs and must take every opportunity to do so.

2. If the captor permits medical personnel and chaplains to perform their professional functions for the welfare of the POW community, special latitude is authorized these personnel under the Code of Conduct as it applies to escape.

3. Medical personnel and chaplains don't, as individuals, have a duty to escape or to actively aid others in escaping as long as they are treated as "retained personnel" by the enemy. However, U.S. experience since 1949, when the Geneva Conventions were written, reflects no compliance by captors of U.S. personnel with these provisions of the Conventions. U.S. medical and chaplain personnel must be prepared to be subjected to the same treatment as other US POWs.

4. In the event the captor doesn't permit medical personnel and chaplains to perform their professional functions, they're considered identical to all other POWs with respect to their responsibilities under the Code of Conduct. Under no circumstances will the latitude granted medical personnel and chaplains be interpreted to authorize any actions or conduct detrimental to the POWs or the interest of the United States.

## Article IV

Medical personnel are generally prohibited from assuming command over nonmedical personnel and chaplains are generally prohibited from assuming command over military personnel of any branch. Military Service regulations which restrict eligibility of these personnel for command will be explained to personnel of all Services at an appropriate level of understanding to preclude later confusion in a POW camp.

## Article V

This Article and its explanation also apply to medical personnel and chaplains ("retained personnel"). They're required to communicate with the captor in connection with their professional responsibilities, subject to the restraints discussed in Article I and VI.

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## **Articles of the Geneva Convention as They Pertain to the Code of Conduct**

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The following articles are quoted from Section VI, "Relations Between Prisoners of War and the Authorities," of the Geneva Convention of 1949.

### **Article 78**

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw their attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representatives may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

### **Article 79**

In all places where there are prisoners of war, except in those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross, and any other organization which may assist them. These prisoners' representatives shall be eligible for reelection.

In camps for officers and persons of equivalent status or in mixed camps, the senior officer among the prisoners of war shall be recognized as the camp prisoners' representative. In camps for officers, he/she shall be assisted by one or more advisors chosen by the officers; in mixed camps, his/her assistants shall be chosen from among the prisoners of war who are not officers and shall be elected by them.

Officer prisoners of war of the same nationality shall be stationed in labor camps for prisoners of war, for the purpose of carrying out the camp administration duties for which the prisoners of war are responsible. These officers may be elected as prisoners' representatives under the first paragraph of this Article. In such a case,



the assistants to the prisoners' representatives shall be chosen from among those prisoners of war who are not officers.

Every representative elected must be approved by the Detaining Power before he has the right to commence his duties. Where the Detaining Power refuses to approve a prisoner of war elected by his fellow prisoners of war, it must inform the Protecting Power of the reason for such refusal.

In all cases the prisoners' representative must have the same nationality, language, and customs as the prisoners of war whom he represents. Thus, prisoners of war distributed in different sections of a camp, according to their nationality, language or customs, shall have for each section their own prisoners' representative, in accordance with the foregoing paragraphs.

## **Article 80**

Prisoners' representatives shall further the physical, spiritual, and intellectual well-being of prisoners of war.

In particular, where the prisoners decide to organize amongst themselves a system of mutual assistance, this organization will be within the province of the prisoners' representative, in addition to the special duties entrusted to him by other provisions of the present Convention.

Prisoners' representatives shall not be held responsible simply by reason of their duties, for any offenses committed by prisoners of war.

## **Article 81**

Prisoners' representatives shall not be required to perform any other work, if the accomplishment of their duties is thereby made more difficult.

Prisoners' representatives may appoint from amongst the prisoners such assistants as they may require. All material facilities shall be granted them, particularly a certain freedom of movement necessary for the accomplishment of their duties (inspection of labor detachments, receipt of supplies, etc.)

Prisoners' representatives shall be permitted to visit premises where prisoners of war are detained, and every prisoner of war shall have the right to consult freely his prisoners' representative.

All facilities shall likewise be accorded to the prisoner's representatives for communication by post and telegraph with the detaining authorities, the Protecting Powers, the International Committee of the Red Cross and their delegates, the Mixed Medical Commissions, and the bodies which give assistance to prisoners of war. Prisoners' representatives of labor detachments shall enjoy the same facilities for communication with the prisoners' representatives of the principal camp. Such

communications shall not be restricted, nor considered as forming a part of the quota mentioned in Article 71.

Prisoners' representatives who are transferred shall be allowed a reasonable time to acquaint their successors with current affairs.

In case of dismissal, the reasons therefore shall be communicated to the Protecting Power.

## **Article 82**

A prisoner of war shall be subject to the laws, regulations, and orders in force in the armed forces of the Detaining Power; the Detaining Power shall be justified in taking judicial or disciplinary measures in respect of any offense committed by a prisoner of war against such laws, regulations, or orders. However, no proceedings or punishments contrary to the provisions of this Chapter shall be allowed.

If any law, regulation, or order of the Detaining Power shall declare acts committed by a prisoner of war to be punishable, whereas the same acts would not be punishable if committed by a member of the forces of the Detaining Power, such acts shall entail disciplinary punishments only.

## **Article 83**

In deciding whether proceedings in respect of an offense alleged to have been committed by a prisoner of war shall be judicial or disciplinary, the Detaining Power shall ensure that the competent authorities exercise the greatest leniency and adopt, wherever possible, disciplinary rather than judicial measures.

## **Article 85**

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

## **Article 89**

The disciplinary punishments applicable to prisoners of war are the following:

- (1) A fine which shall not exceed 50 percent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than 30 days.
- (2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.

- (3) Fatigue duties not exceeding two hours daily. \*
- (4) Confinement.

\* The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.

## **Article 93**

Escape or attempt to escape, even if it is a repeated offense, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offense committed during his escape or attempt to escape.

In conformity with the principle stated in Article 83, offenses committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offenses against public property, theft without intention of self-enrichment, the drawing up or use of false papers, or the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this count to disciplinary punishment only.

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## **Guidance for Peacetime Captivity**

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The Code of Conduct is a moral guide designed to assist military personnel in combat or being held prisoners of war to live up to the ideals contained in the DOD policy. This guidance shall assist U.S. military personnel who find themselves isolated from U.S. control in peacetime, or in a situation not related specifically in the Code of Conduct.

U.S. military personnel, because of their wide range of activities, are subject to peacetime detention by unfriendly governments or captivity by terrorist groups. This guidance seeks to help U.S. military personnel survive these situations with honor and doesn't constitute a means for judgment or replace the UCMJ as a vehicle for enforcement of proper conduct. This guidance, although exactly the same as the Code of Conduct in some areas, applies only during peacetime. The term "peacetime" means that armed conflict doesn't exist or where armed conflict does exist but the United States isn't involved directly.

U.S. military personnel, whether detainees or captives, can be assured that the U.S. Government will make every good faith effort to obtain their earliest release. Faith in one's country and its way of life, faith in fellow detainees or captives, and faith in one's self are critical to surviving with honor and resisting exploitation. Resisting exploitation and having faith in these areas are the responsibility of all

Americans. On the other hand, the destruction of such faith must be the assumed goal of all captors determined to maximize their gains from a detention or captive situation.

Regardless of the type of detention or captivity, or harshness of treatment, U.S. military personnel will maintain their military bearing. They should make every effort to remain calm, courteous, and project personal dignity. Discourteous, unmilitary behavior seldom serves the long term interest of the detainee, captive, or hostage. Such behavior, in some situations, can jeopardize survival and severely complicate efforts to gain release of the detained, captured, or hostage-held military member.

Capture by terrorists is generally the least predictable and structured form of peacetime captivity. The captor qualifies as an international criminal. The possible forms of captivity vary from spontaneous hijacking to a carefully planned kidnapping. In such captivities, hostages play a greater role in determining their own fate since the terrorists in many instances expect or receive no rewards for providing good treatment or releasing victims unharmed.

If assigned in or traveling through areas of known terrorist activity, U.S. military personnel shall exercise prudent antiterrorism measures to reduce their vulnerability to capture. During the process of capture and initial internment, they should remain calm and courteous, since most casualties among hostages occur during this phase.

For peacetime detention:

1. **YOU ARE** subject to laws of country
2. **AVOID** aggressive, combative, or illegal behavior
3. **REQUEST** Embassy, Allied, or Neutral representatives
4. **YOU ARE NOT** protected under Geneva Accords

### **Article III**

If I am captured I will continue to resist by all means available. **I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.**

1. Escape attempts will be made only after careful consideration of the risk of violence, chance of success, and detrimental effects on detainees remaining behind. Jailbreak in most countries is a crime; escape attempts provide the detainer with further justification to prolong detention by charging additional violations of its criminal or civil law and result in bodily harm or even death to the detainee.

2. U.S. military personnel must keep faith with their fellow hostages and conduct themselves according to the guidelines of this enclosure. Hostages and kidnap victims who consider escape to be their only hope are authorized to make

such attempts. Each situation will be different and the hostage must weigh carefully every aspect of the decision before he/she attempts to escape.

3. Accept release unless doing so compromises individual honor or causes damage to the United States or its allies. Persons in charge of U.S. military detained personnel will authorize release under almost all circumstances.

## Article V

When questioned, should I become a prisoner of war, I am required to give name, rank, service number, and date of birth. **I will evade answering further questions to the utmost of my ability.** I will make no oral or written statements disloyal to my country and its allies or harmful to their causes.

1. Provide name, rank, social security number, date of birth and innocent circumstances leading to detention. Discussions should be limited to and revolve around health and welfare matters, conditions of fellow detainees, and going home.

2. Surviving in some terrorist detentions may depend on hostages conveying a personal dignity and apparent sincerity to the captors. Hostages, therefore, may discuss nonsubstantive topics such as sports, family, and clothing, to convey to the terrorists the captive's personal dignity and human qualities.

3. The hostage will make every effort to avoid embarrassing the United States and the host government. The purpose of this dialogue is for the hostage to become a "person" in the captor's eyes, rather than a mere symbol of his or her ideological hatred. Such a dialogue should also strengthen the hostage's determination to survive and resist. A hostage may also listen actively to the terrorist's feeling about his or her cause to support the hostage's desire to be a "person" to the terrorist; however, he or she should never pander, praise, participate, or debate the terrorist's cause with him or her.

## SUMMARY

*"The responsibilities of a leader during combat are no different from his responsibilities in any other situation, i.e., he must effectively lead his unit in the accomplishment of its mission.*

*The Code of Conduct is a formalization of the unwritten creed that American fighting men have dedicated themselves to since the birth of our nation. It is a professional code of moral conduct based upon human freedoms and dignity. It establishes standards of performance for the soldier to live up to and provides guidelines to help him meet these expectations. ... The Code of Conduct fits the very nature of a free man who holds firm convictions. As well as the soldier lives by the Code, it will serve him in turn." (Colonel Samuel Hays, ed, Taking Command)*

We cannot predict the situations we'll be thrust into during our service in the military. Living by the Code and making your followers aware of it, provides a bond that military members have turned to for strength in every combat situation. Think about what you'd do in the face of a POW situation.

Bibliography:

1. DA Pam 360-512, Code of the US Fighting Force; American Forces Information Service; Washington DC; Department of Defense, 1979. Reprint 1986
2. Hays, Colonel Samuel H. ed., Taking Command, Stackpole Books, Harrisburg, PA, 1967.